

Order

Michigan Supreme Court
Lansing, Michigan

April 30, 2010

Marilyn Kelly,
Chief Justice

140051

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

RANDY ALDERMAN,
Plaintiff-Appellee,

v

SC: 140051
COA: 285744
Oakland CC: 2007-082233-NO

J.C. DEVELOPMENT COMMUNITIES, L.L.C.,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 25, 2009 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and we REINSTATE the Oakland Circuit Court's May 16, 2008 order granting summary disposition. The Court of Appeals erred by holding that the common-work-area doctrine applies to this case. The risk of injury at issue here was the risk of electrocution from a subcontractor's crane coming into contact with power lines above the construction site. The only employees exposed to the risk of electrocution were two to six employees of one subcontractor, including the plaintiff, and therefore there was not a high degree of risk to a significant number of workers. *Ormsby v Capital Welding, Inc*, 471 Mich 34 (2004).

KELLY, C.J., and HATHAWAY, J., would deny leave to appeal.



0427

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 30, 2010

Corbin R. Davis

Clerk